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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of the Amateur Service )  
Rules to Extend Temporary )  
Operating Authority to New Amateur )  
Operators )

PR Docket No. 93-267 ✓

TO: The Commission

COMMENTS OF  
THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

THE AMERICAN RADIO RELAY  
LEAGUE, INCORPORATED

Christopher D. Imlay  
BOOTH, FRERET & IMLAY  
1233 20th Street, N. W.  
Suite 204  
Washington, D. C. 20036  
(202) 296-9100

January 10, 1994

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## SUMMARY

The American Radio Relay League, Incorporated (the League), submits its comments in response to the Notice of Proposed Rule Making, FCC 93-480, 8 FCC Rcd. 7916 (1993) (the Notice). The Notice proposes the amendment of the Amateur Service rules to permit unlicensed persons, who have successfully completed the requisite elements of an amateur radio examination administered by a volunteer examiner, to operate an amateur radio station while awaiting Commission action on an application for an amateur radio license.

The League is concerned that the Notice does not reflect consideration of arguments made in timely filed comments in response to the WCARS/VEC petition for rule making, which formed the basis for this proceeding. These comments raised significant legal and practical issues which draw into serious question both the ability of the Commission to implement the rules now proposed in the Notice, and the utility of so doing.

The Notice proposal is well-intentioned in its premises, but flawed in terms of the relief proposed. No one would contend that the long delays in the past in processing of applications for new amateur licenses were acceptable, and a solution to the problem is desirable now. The Private Radio Bureau's Gettysburg office has done a good job with the human and hardware resources at its disposal, but there are simply not enough people employed to preclude long delays from appearing periodically. New amateur radio operators should not be discouraged from the benefits of amateur radio by long waits in delivery of their first licenses, and the Commission staff should not be sidetracked from their work by numerous requests for application status reports.

However, the instant licensing proposal is both unlawful and significantly detrimental to the self-regulatory activities of amateurs. The better alternative is to implement the electronic filing of applications at Gettysburg by Volunteer Examiner Coordinators at the earliest possible time. This will accomplish the reduction of processing delays to the absolute minimum, and should be sufficient to guarantee that such delays will not recur thereafter. Electronic filing will thus solve the problem that the Commission seeks to address in this proceeding, and will do it in a way that does not compromise the integrity of the licensing process or the self-regulatory character of the Service overall.

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TO: The Commission

COMMENTS OF  
THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, by counsel and pursuant to Section 1.415 of the Commission's Rules [47 C.F.R. §1.415], hereby respectfully submits its comments in response to the Notice of Proposed Rule Making, FCC 93-480, 8 FCC Rcd. 7916 (1993) (the Notice). The Notice was based on a petition for rule making filed on or about June 28, 1993 by the Western Carolina Amateur Radio Society/VEC, Inc. (WCARS/VEC). The League timely filed comments on the petition for rule making on August 9, 1993. The Notice proposes the amendment of the Amateur Service rules to permit unlicensed persons, who have successfully completed the requisite elements of an amateur radio examination administered by a volunteer examiner, to operate an amateur radio station while awaiting Commission action on an application for an amateur radio license. In response to the Notice proposal, the League states as follows:

## I. Introduction

1. The League filed extensive comments in response to the WCARS/VEC petition for rule making, raising significant legal and practical issues which draw into serious question both the ability of the Commission to implement the rules now proposed in the Notice, and the utility of so doing. Yet, in the Notice, which proposes the exact relief requested in the WCARS/VEC petition, there is not one mention of either the League's comments or the substance of the arguments contained therein. There is no utility whatsoever in Section 1.405(a) of the Rules if the issues responsibly raised in response to petitions are simply ignored by the Commission in making determinations in rule making proceedings.

2. The bulk of the League's comments in response to the Notice proposal are contained in its comments in response to the WCARS/VEC petition. A copy of those comments are attached hereto as Exhibit A, and are incorporated herein by reference. In summary, they are as follows: (1) The concept of unlicensed persons operating amateur stations, even temporarily, has been determined by the Commission to be unlawful in the recent past; (2) The proposal is, in fact, in violation of both the International Radio Regulations and the Communications Act of 1934; (3) It is open to serious abuse, and undermines the basis for self-enforcement in the Amateur Service; and (4) There is a much better solution, immediately available, to the problem of delay in the issuance of new amateur licenses. The League continues to support each and every one of the arguments contained in its August 9, 1993 comments, and urges that the Notice

proposal not be adopted for those reasons, and for the following additional reasons.

**II. The Commission Has No Authority to Implement  
Instant Licensing Authority As Proposed**

3. The Notice suggests that the temporary operating authority proposed in the Notice is authorized by virtue of precedent in other radio services, such as the Citizen's Radio Service (Part 95) the Maritime Services (Part 80) and the Private Land Mobile Radio Services (Part 90). However, with respect to the Citizen's Radio Service, there is specific legislative authority for the elimination of individual licensing that does not exist in the Amateur Radio Service.<sup>1</sup> As to the Maritime Services, the Commission determined<sup>2</sup> that temporary operating authority was permissible for specific reasons not applicable to the Amateur Service:

Section 303(1)(1) provides the FCC with very broad discretion (citations omitted). It only requires the Commission to determine the qualifications of potential licensees; the statute does not specify procedural or substantive standards to be applied in assessing qualifications. In effect, a person is qualified when the FCC decides he or she is eligible to receive a license. In the Maritime Service there are practical reasons for believing that a person can be qualified simply by completing an application form since licensing does not involve testing, the exclusion of other possible licensees, or the weighing of complicated public interest factors. The only real requirement is that a person certify that he or she understands the Commission's rules and can communicate in English...Accordingly, anyone willing to make these certifications should be allowed to

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<sup>1</sup> 47 U.S.C. §307(e).

<sup>2</sup> See the Order, 70 FCC 2d 863 (1979).

use a temporary license pending the processing of the application.

70 FCC 2d at 863-4, fn.1.

4. In the Order permitting temporary licensing in the Maritime Services, the Commission noted its earlier refusal to permit temporary operating authority for Restricted Radiotelephone License<sup>3</sup> applicants, even though the license was merely procedural in nature. The Commission noted there as follows:

LMCC contends that since this license is procedural in nature, no oral or written examination being required, and that in order to obtain a license an applicant need only certify in writing to certain basic qualifications, appropriate arrangements for interim operating authority are warranted....

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Section 303(1)(1) authorizes inter alia the issuance by the Commission of station operator licenses upon a finding that such applicant is "qualified." The Commission's rules establish the "qualifications" dependent upon the degree of responsibility associated with the class of license. Hence, although the RP calls for a lesser degree of "qualifications" in that it seeks no oral or written examination, the applicant's basic qualifications are nonetheless subject to appropriate and necessary scrutiny. Only after the proper written application form is filed is the Commission able to make the necessary examination and reach a conclusion as to whether the applicant is truly "qualified."

53 FCC 2d at 1001-2.

5. The Private Land Mobile Service does not employ temporary operating authority, but rather a conditional grant of a station license application. It was an offshoot of the "add-on" provisions for existing licensed mobile relay stations that was in use for the

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<sup>3</sup> See the Memorandum Opinion and Order, 53 FCC 2d 1001 (1975).

450-470 MHz band.<sup>4</sup> The provision permitted applications for station licenses to be self-certifying and granted conditionally upon filing. This is not the procedure proposed for the Amateur Service in this proceeding, nor are the Citizen's, Maritime, or Private Land Mobile Services radio services which require any substantive qualifications on the part of the operator. In this respect, they are different from the Amateur Service. More relevant as a comparable licensing arrangement are the commercial license examinations. It is especially noteworthy that there is no temporary licensing scheme for the commercial operator licenses which require examinations under Part 13 of the Commission's Rules. It is apparent that any operator license with substantive qualification requirements is not granted without consideration of the application, and the basic qualifications of the applicant for a new license, by the Commission. The Amateur Service requires substantive consideration of applications before grant, in order to confer any validity to the operator license, and the requirements of 47 U.S.C. §§301, 303(1)(1), 307(a) and 308.

6. Finally, none of the stated justifications for instant licensing contained in the Notice address the specific, unequivocal obligations of the Commission in the Radio Regulations, which clearly require that the Commission itself, and not a private sector delegate, determine the operating qualifications of the

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<sup>4</sup> See the Report and Order, PR Docket No. 79-338, 81 FCC 2d 373 (1980). The "add on" procedure was found not to violate any provision of the Communications Act because it was merely the adding of new users on an existing facility.



applicant. RR Number 2020, cited in exhibit A, attached, at p.4, footnote 1, prohibits the establishment or operation of a transmitting station by a private person without a license issued in appropriate form by the government of the country to which the station in question is subject. Adherence to the Radio Regulations in this respect is especially important in connection with the Amateur Service because of the worldwide communications routinely conducted by amateur transmissions. Indeed, the Chief, Private Radio Bureau specifically cited its obligations pursuant to the Radio Regulations as the basis for the dismissal of a petition for rule making as recently as December of 1987<sup>5</sup> which sought essentially identical relief. The Chief stated at that time that "upon analysis, an instant licensing proposal appears contrary to the requirements of International Law." The instant Notice contains no reasoned basis for the departure from this recent prior holding, nor, in fact, any analysis whatsoever of the international treaty obligations of the Commission in this respect. The proposal is in glaring violation of RR Number 2020 and 2736, and should therefore not be adopted, as the Commission has no authority to itself waive international treaty obligations.

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<sup>5</sup> See the Order, DA-1853, 2 FCC Rcd. 7548 (1987).

### **III. Electronic Filing of Applications Provides Equivalent Relief Without the Impracticalities of Instant Licensing**

7. As was acknowledged in a recent editorial in QST,<sup>6</sup> the League's official journal, the Commission's concern in this proceeding is a very real one: the delays in processing amateur applications at the Commission's Gettysburg office are due to limited available staff and an obsolete computer system.<sup>7</sup> It is understood that delay in the processing of the applications begets delay, because those enthusiastic individuals awaiting their first amateur license understandably tend to call if it is not forthcoming. As the Notice suggests, this diverts attention from application processing, and delays increase.

8. However, this problem is being addressed otherwise, and it is not apparent why the instant Notice proposal is being issued now. The Commission is installing a new, PC-based computer system at its Gettysburg office, and it has plans for the implementation of electronic filing of Form 610 applications by the Volunteer Examiner Coordinators. These events will do two things immediately: they will permit applications to be transmitted electronically to the Commission by the VECs, thus saving processing time, and they

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<sup>6</sup> See, Sumner, D., "Instant Licensing", QST, January, 1994, at p.9.

<sup>7</sup> The Gettysburg office is quite efficient, given its resource limitations: backlogs in application processing in one service are routinely remedied by reallocation of available data processing staff to the service with backlogged applications. The office is most responsive, but processing delays due to limited staff inevitably arise from time to time.

will permit data entry to be done by the VECs, rather than by Commission staff, saving a tremendous amount of time in application processing at the Commission. The League is prepared right now to begin electronic filing of applications at Gettysburg. Once this is implemented, it is anticipated that the four- to twelve-week processing times experienced in the past for license turnaround will be reduced to approximately two weeks. Thus, the goal sought to be achieved by the instant Notice proposal is already going to be achieved through other means.<sup>8</sup> There is no reason why a temporary licensing procedure is necessary at the present time.

#### **IV. There Are Significant Enforcement Problems With Self-Assigned Call Signs**

9. The principal means of self-enforcement in the Amateur Radio Service is by on-air identification of rule violators by call sign. While not all rule violators use their assigned call signs, or any at all, it is often possible to determine that a particular intruder into the amateur bands is not actually assigned the call sign used. It is also possible to determine sources of rule violations by reference to the licensee database by address. In addition, much of the routine monitoring of the amateur bands is done by volunteers who send advisory notices to addresses obtained through the call sign database. This results in a relatively high degree of rule compliance. The call sign database offers a ready

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<sup>8</sup> A separate basis for the dismissal of the 1987 instant licensing petition was that the delay in processing applications, which at the time was 18 to 21 days, was not unreasonable and did not justify the temporary licensing arrangement that was proposed.

resource for checking on questionable operating practices or outright impersonation and unlicensed operation.<sup>9</sup> The Notice proposal, with its plan for self-assigned call signs, would eliminate the availability of a database for verifying station licensing and identity of operators, and would thus have a significantly deleterious effect on the ability of amateurs to self-regulate their ranks. A person could, under the notice proposal, simply invent a call sign, and regularly use it, and there would be no basis whatsoever for determining whether or not that person actually possessed any operating authority or possessed any Certificate of Successful Completion of Examination (CSCE). The Notice is silent on the potential for abuse inherent in such a program. A separate problem is that the call sign system proposed

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<sup>9</sup> A good discussion of the amateur licensee database appears in the Notice of Proposed Rule Making, FCC 93-545, in Docket No. 93-305, released December 29, 1993. The value of the database is apparent from that discussion:

We note that the amateur service is on the cutting edge of information technology. Electronic bulletin boards are commonplace in the amateur service. Its volunteer examiners use modern information systems to prepare and administer paperless license examinations, to prepare examination session manifests, to maintain a licensee database, and a host of other activities...Our amateur service licensee database is widely available from entrepreneurs and bulletin boards in practically all forms of magnetic media. Our goal is to accept eventually applications for licenses or call signs electronically. We may even be able to issue the licenses electronically at some future date. As a starting point, we hope to accept application data from the volunteer examiner coordinators by the end of 1994.

would not in all cases conform with the ITU regulations.<sup>10</sup> No means of addressing that problem is apparent in the Notice, either.

## V. Conclusions

10. The Notice proposal is well-intentioned in its premises, but flawed in terms of the relief proposed. No one would contend that the long delays in the past in processing of applications for new amateur licenses were acceptable, and a solution to the problem is desirable now. The Private Radio Bureau's Gettysburg office has done a good job with the human and hardware resources at its disposal, but there are simply not enough people employed to preclude long delays from appearing periodically. New amateur radio operators should not be discouraged from the benefits of amateur radio by long waits in delivery of their first licenses, and the Commission staff should not be sidetracked from their work by numerous requests for application status reports. However, the instant licensing proposal is both unlawful and significantly detrimental to the self-regulatory activities of amateurs. The better alternative is to implement the electronic filing of applications at Gettysburg by Volunteer Examiner Coordinators at the earliest possible time. This will accomplish the reduction of processing delays to the absolute minimum, and should be sufficient

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<sup>10</sup> See RR 2119 and RR 2120. Amateur stations are supposed to be identified with a character and a single digit followed by a group of not more than three letters or two characters and a single digit followed by a group of not more than three letters. The self-assigned call sign proposal would have amateurs inventing call signs with two digits in VEC regions 10 through 13. See Appendix 2 to the Amateur Rules.

to guarantee that such delays will not recur thereafter. Electronic filing will thus solve the problem that the Commission seeks to address in this proceeding, and will do it in a way that does not compromise the integrity of the licensing process or the self-regulatory character of the Service overall.

Therefore, for the reasons stated herein and in the attached exhibit, the American Radio Relay League, Incorporated respectfully requests that the Commission terminate the instant proceeding without further action. Instead, the Commission should implement the procedures for electronic filing of amateur applications at the earliest possible time.

Respectfully submitted,

THE AMERICAN RADIO RELAY  
LEAGUE, INCORPORATED

225 Main Street  
Newington, CT 06111

By Christopher D. Imlay  
Its General Counsel

BOOTH, FRERET & IMLAY  
1233 20th Street, N. W.  
Suite 204  
Washington, D. C. 20036  
(202) 296-9100

January 10, 1994

EXHIBIT A

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In the Matter of )  
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Revision of Part 97 of the Rules )  
Governing the Amateur Radio ) RM-8288  
Services to Grant Temporary )  
Operating Privileges to Unlicensed )  
Persons )

TO: Chief, Private Radio Bureau

COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED  
ON PETITION FOR RULE MAKING

THE AMERICAN RADIO RELAY  
LEAGUE, INCORPORATED

Christopher D. Imlay  
BOOTH, FRERET & IMLAY  
1233 20th Street, N. W.  
Suite 204  
Washington, D. C. 20036  
(202) 296-9100

August 9, 1993



## SUMMARY

The American Radio Relay League, Incorporated (the League), the national association of amateur radio operators in the United States, submits its comments in response to the Petition for Rule Making filed on or about June 28, 1993 by the Western Carolina Amateur Radio Society/VEC, Inc. (Petitioner).

The concept of unlicensed persons operating amateur stations, even temporarily, has been determined to be illegal by the Commission in the recent past. It is not only in violation of international treaty, it is also in violation of the Communications Act of 1934. The procedure suggested in the instant petition is open to significant abuse, and is not readily subject to Commission enforcement efforts. The better plan is to implement electronic application filing and processing procedures at the Gettysburg office, which the Commission is now working hard to do. That, alone, should reduce significantly any delay in issuing new amateur licenses after an examination, which is the sole problem that the instant petition is intended to address.

Therefore, the American Radio Relay League, Incorporated respectfully requests that the instant petition for rule making be denied pursuant to Section 1.401(e) of the Commission's Rules.

In the Matter of )  
 )  
Revision of Part 97 of the Rules )  
Governing the Amateur Radio ) RM-8288  
Services to Grant Temporary )  
Operating Privileges to Unlicensed )  
Persons )

COMMENTS OF THE AMERICAN RADIO RELAY LEAGUE, INCORPORATED  
ON PETITION FOR RULE MAKING

## I. Introduction

1. The idea of "instant licensing" in the Amateur Radio Service is not new. It is, rather, a concept that has been proposed

on previous occasions, in an effort to address what the petitioners have perceived as inordinate delays in Commission processing of license applications for newcomers to the Amateur Radio Service. A person who completes the requisite examination elements, indicating that one of the basic qualification requirements for obtaining an amateur radio license has been met, reasonably expects that his or her application for a new amateur radio license will be acted on by the Commission with dispatch. If the application is delayed for administrative reasons, related to manpower restrictions or otherwise at the Commission's Gettysburg office, there is an element of frustration for the newcomer to the Amateur Radio Service, and the Commission is plagued by telephone calls from the applicants, thus slowing service even more. The proposed solution is simply to let those persons go ahead and operate in the interim, while the application is being processed.

2. The problem is that the passage of an amateur radio examination through the VE program is not the only factor to be considered in determining whether an applicant for an amateur license. Neither the VE, nor the VEC, is in any position to determine whether the applicant possesses the basic qualifications to become a Commission licensee in the Amateur Radio Service or any other radio service. There is an absolute requirement, imposed by international treaty and Federal statute, that the Commission determine the basic qualifications of a Commission licensee prior to granting authorization to operate a radio station.

3. The goal of the petitioner in this instance is admirable, and a procedure that foreshortens the inherent delay between successful completion of the examination for a new amateur radio license and the issuance of that license to the applicant is desirable, if consistent with a Commission determination of the basic qualifications of that applicant. There is, on the near horizon, a procedure for electronic filing of applications for new and modified amateur radio licenses, however, and that procedure should significantly reduce both the Commission's effort in processing such applications, and the waiting time between successful completion of an examination and the issuance by the Commission of a new or modified amateur radio license. Under these circumstances, the instant petition should be dismissed without further action.

## **II. The Commission Cannot Legally Grant the Requested Relief**

4. The instant petition seeks amendment of the Amateur Radio Service Rules to permit a successful examinee for a new amateur radio license to commence operating an amateur radio station prior to the processing of an FCC Form 610 by the Commission. The premise is that the person has qualified to do so by virtue of having successfully completed an amateur radio examination, without more. He or she would be permitted to operate the station immediately upon receiving a certificate of successful completion of the examination from a volunteer examiner, and could exercise the privileges of whatever license class that examinee has earned as an

initial matter. The proposal includes the suggestion that a specific call sign block would be set aside for this purpose, and that a call sign would be assembled using a combination of the prefix, a number, and the initials of the examinee.

5. In April of 1987, the Commission received a similar petition for rule making from one Frederic G. Hambrecht, and accorded file number RM-5924. That petition sought immediate operating privileges for successful examination candidates for Novice class amateur licenses. The Novice class license was then the principal entry-level class of amateur radio license. The examinations for Novice class licenses were at that time administered by Volunteer Examiners not in the VEC program. Just this year, the Commission has brought Novice examinations within the more formalized Volunteer Examiner program. All amateur examinations are now within the VEC program, which carries with it a high degree of integrity and organization.

6. The Commission dismissed RM-5924 by Order, DA-1853, released December 31, 1987, for several reasons. Principal among these was that "upon analysis, an instant licensing proposal appears contrary to the requirements of International Law." As support for this conclusion, the Commission cited<sup>1</sup> the Radio

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<sup>1</sup> Not cited at the time, but perhaps more relevant was RR Number 2020, which states as follows:

No transmitting station may be established or operated by a private person or by any enterprise without a license issued in an appropriate form and in conformity with the provisions of these Regulations by the government of the country to which the station in question is subject.

Regulations (Geneva 1979) at RR Number 2736, which states as follows:

Administrations shall take such measures as they judge necessary to verify the operational and technical qualifications of any person wishing to operate the apparatus of an amateur station.

The intention of this regulation is clearly to obligate the administration to itself determine the qualifications of a person prior to permitting operation of the station. Such would not occur where the VEs, alone, have determined that the person has successfully completed the examination, but the Commission has had no opportunity to determine the basic qualifications of that person or the nature of his or her proposed station. For example, by permitting operation of an amateur station prior to licensing either the station or the operator, it would not be possible for the Commission to determine the environmental impact of the proposed station, or the basic character qualifications of the operator.

7. The Communications Act of 1934 is more specific than the Radio Regulations as to the inability of an unlicensed person to operate a radio station:

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No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio...within the jurisdiction of the United States, except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act.

47 U.S.C. §301

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There are exceptions to this, but none are applicable to the Amateur Radio Service.

Section 303(1)(1) of the Communications Act gives the Commission the authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to persons who are found to be qualified by the Commission and who otherwise are legally eligible for employment in the United States. Section 307(a) of the Act states that The Commission, if public convenience, interest or necessity will be served thereby, subject to the limitations of the Communications Act, shall grant to any applicant therefor a station license provided for by the Act.

8. Section 308 of the Communications Act addresses applications for licenses. It permits the FCC to grant construction permits and licenses only upon written application received therefor by it. And, in the case of nonbroadcast services (such as amateur radio), where the Commission finds that it is not feasible because of an emergency to follow normal licensing procedure, the Commission can grant authorizations without formal application being filed with the Commission, but no authorization so granted can continue past the period of emergency or war requiring it.

9. All of the foregoing requires that the Commission determine the qualifications of an operator prior to issuance of a license. Further, unlicensed persons may not operate their own radio stations, either temporarily or otherwise. The only unlicensed operation permitted is in the event of emergency or war. Neither a station license nor an operator license can be granted without a Commission determination of basic qualifications of the licensee.

### **III. The Practical Difficulties Inherent In Temporary Operating Authority Outweigh The Benefits**

10. As the Chief, Private Radio Bureau stated in his 1987 Order, at which time applications were processed at the Commission in 18 to 21 days, the application processing period is not unreasonable:

In view of the relatively short time that it takes us to process an application, the marginal benefits to be derived by authorizing successful Novice operator examinees temporary operating authority are outweighed by the disadvantages that could occur...Therefore, the initiation of a rule making proceeding by the full Commission is not warranted.

Order, DA 87-1853, at ¶ 6.

The "disadvantages" of the proposed temporary operating authority are obvious. Persons who have had licenses revoked or suspended (in the Amateur Service or any other radio service) would be able to take an amateur examination, pass it, and then be issued a certificate of successful completion of the examination, and commence operation immediately. A rule which prohibited such persons from exercising temporary operating authority would not be sufficient to preclude operation by those persons. Neither would it be possible to delegate to the examiner the obligation to determine any facts about the applicant to establish whether he or she possesses the basic qualifications to become a Commission licensee. That is a Commission function, and not one that can be delegated. Neither should already busy volunteer examiners be asked to make a determination of the propriety of temporary operating authority for any given individual.



11. Furthermore, allowing persons who have not been adjudicated eligible for licenses, and allowing them to use self-constructed call signs based on a formula, is open to serious abuse. Persons who have taken no examination whatsoever could simply construct a call sign and use it for a significant period of time, without any opportunity for detection or enforcement. The Commission would have no ready means of determining the location of interfering signals, or the bona fides of a particular station.

12. Temporary operating authority for newcomers to the Amateur Radio Service is not the same as, nor is it justified by, the authority of an existing licensee to operate his or her station with upgraded operating privileges immediately upon upgrading his or her license class, per section 97.9(b) of the Rules. In the case of a licensee who upgrades his or her license class, that person already possesses a license, and all of the statutory and treaty requirements will have been satisfied: the licensee's basic qualifications will have been previously adjudicated. Such is not the case with an unlicensed person. Whether an existing licensee can exercise additional privileges upon upgrade is wholly different from the issue of whether an unlicensed person who has successfully completed an examination is basically qualified to be a Commission licensee and should be permitted to operate an amateur station before that determination is made by the Commission.

13. In denying RM-5924, another reason stated by the Commission was that the wait for license application processing was not at that time significant. While since that time, and from time